

# Legislative techniques group notes

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<https://hdl.handle.net/2144/29900>

*Boston University*

Tues: Jun.

## Legislative Techniques Group

**Guo Mingjie**: 1952 born, Jilin; 1982 Jilin U / Law; → pol sci, Jilin MP / 1985; post / BLA; fin, tax, pricing, trad com + ind, bkg research / leg; 1991 = Divis Chief; 1991 → Gen'l Off / Divis Chief / Secy Dept; leg exper = fin / monet leg; partic in res / leg ~~organization~~ = SA; visited US, Can, Hong Kong, Brazil / study, secy leg + bkg law & gave lectured on tax law / Hk; work bkg / leg on th & pract of Ch. soc. leg & coop w other people

**Peng Ming Gao**: 1959 / Shanxi Prov; 1982 / Jilin U / Law → Social Science / Asst Prof; 1984 → Beida Law grad st / jurapro-  
fess; 1986 → BLA → laws / nationalities, religion, pub sec., partic in form ~~the legal system~~ / leg pres;  
Now work in Res. Dept = Deputy Divis Chief under Gao; wrote 4-5 bks, mainly re profession, eg re

**Qin + As / Admin Law, Demonstration Regulations**, partic in Ch. soc. legal systems; = popular

1989 → Paris Study Tour / Patent Law

**Fao Fan**: Hubei, 1939; not a law res. professional; 1960 Peoples' U → teacher, ed. for, propaganda; 1972-  
leg. res / 1/2 yr. trng; wkld as Deputy Divis Ch, Divis Ch Leg. SSR / St. C; laws in which partic'd get to  
ind, transp, for- trad, ag, forestry, environ. prbt'n, urban const, labor law engaged in  
drafting, imp't laws: civil law, admin procedure; 1986 / BLA → filed, smt staff → Dir of Res / In China if  
mountain has no tiger, monkey → string. In this period, helped draft 2-3 bks. leg pres + partic in  
ac-exchgs. → invited to many Ch. res. instr, also wkld as legal adviser / U. of Peoples' Army + other  
insts; Prof at Peoples' U / Polit + Law Sci U; lectured to sts from provinces; also d. tours to trust  
Phil Japan, Singapore, Hk; partic'd in disc seminar re Ent Law & For. Trad law & Lab. Law in Beijing  
Org'd by UNDP; from 1977, wrote 100 arts / law return; + pub'd 8 bks, some co-auth'd;

**Gao**: Group / Leg. Techs? opinion / leg techs - Leg techs refers to drafters' activities in compromising, coordinating +  
expressing leg; at outset, re coord = 3 aspects: (1) legis + constraints + resources; only laws that compromise  
to fit in with constraints + resources will work; (2) relationship to other laws = how mk laws coord  
set up coord legal syst; (3) contents + words used / law = coord. **COORD METHOD REPORTED** Gao's  
(1) Marxism / hist. mat = fa. of leg → expr. will of st. + people; leg techs / hdn's pr ec. structure of  
plnd commo ec; dialectical materialism = cornerstone; (2) systematic method = leg = process  
so when adopt leg techs, must consid consequences of implementing laws must = easy to  
implement + observed by people. (3) comparative method = historically, any serv. ctives; when  
draft law or reg, collect exper from LDCs + DCS → coord / Ch's circs in law; adopt useful leg  
exper. + method; avoid other ctives' mistakes (round about ways); (4) case study method =  
US law teaching meth.

**EXISTING RULES** = 2 aspects: (1) Procedural: eg how to draft + collect public opinion;  
+ how eval drafts + approve + pub. drafts; including supervision / evaluation of  
leg after passed. (2) Internal + external structure → logical, coord = use of words + linguistic  
skills.

**SKILLS / TECHS** 2 aspects: (1) How to resolve contrads bet. law-making constraints + resources  
eg some laws = urgently needed, but cond not mature → Ch's how use techs to  
monitor law-mky process; eg if social rel. law amir to coord = complex, some aspect  
mature, but others are not → nec. to use leg techs to solve prob.

(2) Linguistic skills: eg Ch. reform, open pol, perhaps some laws = elastic / flexible;  
leg techs → used to facilitate flexibility; research re how; (probs) (1) in  
have exper / leg, but still haven't summarized → Theory; mostly wk accdg to exper  
(2) staff of law-making doesn't research + systematically st. ths knowledge / leg, exper  
only lrn from exper'd staff; (3) law-making procedures, rules, haven't rules for  
procedures to formulate them f / to train staff / unified methodology; (4) make  
mate / law-mky; eg when want to do comparative res re other ctives' exper,  
not suffic info, keep re how ~~the~~ govts act / what syst; still don't understand lawmaking  
bkgd + procedure - difficult to lrn from their exper; so st. sec. to gather  
more useful mate → study tours (still linked in, manual mgmt of mate, don't  
have computerized syst. - enlightened by ~~the~~ theory → est. gd. cycle  
= very useful / group's aim = accelerate law-mky process, impr. quality of  
law-mky, train staff / professional, est. legal syst / Ch. ctives.

**Designing law** = line drawing building: first design implementation + evaluate - when construct. also  
evaluate. When finished, still evaluate

**Reflexivity**: Actually have age to legal systematic system; in leg tech grp, some people want to act  
whole sale, others want to act on retail basis; agree w. appr. in principle, but diffc may arise:  
some imp't. law = urgently needed; analogy: if chg bit by bit → chg pts. of old mach  
while keep it going

**vi**: Actually, now use both wholesale + retail - eg com. prot'n law contains quality of prod, sat  
advertisement etc; ~~but~~ to resolve probc purpose = same // protect cons, est. gd mkt; so we cons  
how to resolve proto + ach purpose - with out overall laws + come prot'n + get details  
work out;

**vi**: To expl. grp's prog - **BACKGROUND**: 1979 = Reforms, opening w reinforced leg. atm; = long diffc for some, but actually  
law-mky only std 1979 → accel'd = 10 laws + 50 regs / yr; at end of 1990, est'd 100 laws, 600 regs → today  
= effective accel / historical context; Ch. legal syst being perfected → imp't. role / Ch. pol. life; ~~Actual~~ = leg  
syst w. several levels, several ptes; Law-mkrs incl: NPC + PCs at all levels; + Cent Govt reg-mky on  
BLA, DLAs; local govt; old way = Cent Govt + local govts Law-mky + admin = big chng, try poss reform  
To fulfil law-mky techs, reinforced law-mky bodies / agency - BLA, DLAs, local govt, milit syst, ch = task of drafting laws, reg  
revising, + submit to higher auth; can say have leg. role / law mky / Ch. = 30,000 - 50,000 → staff in  
these bodies, mostly = law dept. grads / us; some = other law practicing insts, eg lawyers, pres insts. Actual h.  
vols, must rny / leg technique + exper. Since must lrn fast = part-time, + provisional other / lawyers

## Leg Techns. cont

law, ling skills + rel. bet. laws + obj. cond. Overall must → further impr'd. Subcomings  
→ covered by ① Law-making hist + pract = sit; ② qual. of staff not so gd, most 'new hands';  
③ More law-mkng res = needed; impr'd quality / more lks / law-mkng th; still haven't  
got Univs to train law-mkng staff; ④ Need more info. re exper. → how systematic  
exper. = urgent to learn from Ch's + other chns' exper. esp. BLA = script rule / ch. law

Impr. law-mkng effectiveness + quality → more attn. leg tech rigors  
SOME DIFFICULTIES ① rel bet leg + res + constraints; agree w. it / must mng rel. bet  
law + environment solve soc. probs → Prob / each law + req = signif sit / Ch; ② Leg + devel

reform, opening → Chy soc. rels / devel. system is unstable, + difft. how resolve via leg?  
Some chns = lng hist / law-mkng exper; when mkt. Com. study tour, find they have bkg  
reform, 1980s, from their expert can law then fit social need + the use of law, reqs to adj.  
int. bet soc. gaps, since law is to identify + fix ints, it must adj. rels bet soc.

grps.: leg staff must pay attn / how fulfil task → adj. ints bet soc. gaps + rel. to soc.  
social devel. may learn from other chns' re ths; use them as reference; ④ re leg  
+ chns' specific circs as Ch. = big, lrg pop, many provinces = diffts among the  
not balanced; → How keep bal. via law bet poor rural, rich urban.

LEGISLATIVE SYSTEM + TECHS. Because = int'd in law syst, has own rules / Ch: attn to role of law  
/ development → accelerated; mng soc. affairs; = PROBS: Q: unclear / system, only passed / need; duplication +  
contradiction; seek coord. law system, learn from other chns; while draw up leg. plan, many  
needs / req from many orgs. = seek way to coord them; LEG. TECHS: Rel. bet law + constraints, resources  
= bkg. of drafting process = 1st level; next level → how express in words; actually see more  
probs at this level, not only linguistic skill but overall structure / "architecture"; before, draft bills  
→ put'd w/o putting in proper title; = 2 aspects: ① flexibility = relate to factual sit / discretion to  
officials to solve prob; ② drafters' like of quality = consc. or unconsc. use of discretion; seek to solve  
prob by staff bring + exper. of other chns; Aim of Group = prom't rules / ths + dngs + strng  
feeling, since lawyers, others criticize laws = unclear.

Re measurement of laws:

Sci. Comments re proposals:

4 objectives → ch'd from orig. proj → decided by Dir; recom. bring courses + law-mkng = gd; train  
old have exper + understndg + draft laws + reqs; 2 pts = unclear: ① Leg. techs grp: what task?  
② Not sure re coord. for. expts + train / drafting laws because each grp's task = difficult 1.  
need many people to work together, not sure can do job alone.  
Re prom's. rules of leg techs = output wanted, but you poss w/in 6 mo to have prelim. draft  
= better to have overseas tour first.

Eng: Re Memo of Law: In Ch, haven't called it that, have had such repts; eg. any bill when drafted, before  
appr'd req's reft, after BLA exp't + draft → another reft; repts incl. contents / memo.  
Some difts = ① In reft, stress why bill → drafted, ie nec. for leg. system ② BLA + DLA, not same as  
critique grp; must exam obj. Qc + pol. issues = impt. to draft provisional rules / law-mkng tech  
but also must research rel. bet. laws + soc. devel, later = more impt = fundamental  
Q; still = most probs; eg. Gui said mins = active in drafting leg. = pay more attn to impr leg  
wk, but actually, have some laws that → delayed many yrs. because = complicated  
= mainly now Ch. exper reform + open pol: one hand = econ. devel. need laws; on other,  
Chy'd soc. rels → more diff to pass laws = obstacle to impr. law-mkng; Ch.  
+ other chns had such pers, too; as some for expts / 1980s, 80s in Japan / Ch's now; one  
hand = rising eg, on other = chy from unstable to stable structure; how Jap. resolved issues,  
compromised law + obj. sit = how? Another eg, frankly, Ch. sit rule by law = not so  
devel, = ~~short~~ history; those who admit this, + conse. of it, think do chy it = long period  
Now = Q: one hand = laws adapt to rule of law; other = can't just copy ideal type rule by  
law. = need to research; sit, in many Dcs = exper. = need to know how they dealt with this  
= need leg. rules of for chns; also need to know leged of impt laws / hist + process; then  
Qs = many, such as Japan's: law syst = complete, but form → lng hist; Q: many debates re Ch's  
law syst; Prob = dif in coord bet reqs / mins + local govt reqs; int'd in view for chns deal  
w. that, ③ As to leg techs: some techs not find in existing leg; re linguistic skills, must observe  
implementation of laws; re contrasts of laws + reqs; leg res = several names: contrasts; conflicts,  
uncoord, dissimilar = similar in other chns, but think diff names / chns have specific mng / con  
= clear, some = result of judicial practice = impt refs / Ch. wle = useful / law mkg + prom's. mlt.

④ Diff chns = diff sits re leg, leg techs down sit eg UK - US law form = pragmatic + use, Civil code

"form" = emph form, Japan incl both; Ch. shd learn diff. chns to use in leg wks. = / long +  
study tour, = int'd to incl. these Qs

Eng Pei: Most drafters in BLA = gd / Eng, some = gd / other langs eg Jap.

Apprec. prop. numbers of grps go to BL, worry if can write laws Ok after that, since not only  
techs probs but substantial issues

Yesterday, mentioned draft law books;



Monday July 29, 1991

# EDUCATION

- Director**  
**Zhang Shengyu**: 1935, grad Law/Peoples' U, 1960; wkd in Inst. of Law / Ch. Ac of Soc Sci 26 yrs, mainly crim law; 1986, BLA = Dir Rept. Politics, Law & Ed; drafted com. law/PRC; visited Jap 2 yrs re crim law; & Russian)
- Luo Hongshu** - St. Ed Comm. born 1934, grad Law/Beida 1959; admin/Beida = 20 yrs, then → St. Ed Comm; after 1979 = Personnel Admin + Mngmt of Libraria/Ch. U; 1984, St. Ed Comm est'd DLA → mngt. helped draft Compuls. ed law/Ch, wrote some articles; investigating/etc, 2nd sch principles; + writing handbook/principles.
- Li Lianning**: St. Ed. comm. - Born 1954, Community Coll/1972, wkd/local ed. auths; also = 1 of chief prinap of middle sch/Changchun; st'd in RW Politics + Law Inst. of PRC grad, then read for M.A. in Univ. of Law = ec. + civil law/1985 → wkd in St. Ed Comm DLA; drafting + eval of some ed laws; wrote arts/ed laws, ec. laws, civil laws; w. Mr Luo, wrote bk/principles + sch principles + text for admin/higher lang insts. Now wkg on textbooks/teaching ed law
- Zhou Zhenhua** - born 1959, st. in RW Inst. of Pol. & Law, then grad sch/M.A. in Const. Law; BLA last yr went to US, Canada: NGOs (20 days); got to know NGOs, will draft law to encourage NGOs
- Wang Chinghui** 1976 - grad Eng Dept, Peoples U. of Ch → mmb. of State Ed Comm → focus on coop w. UNICEF
- Zhang's Project/UNDP** = for ec. reform + devel, but incl Ed since rely on ed. devel/ec. devel; Re proposed Law not everyone recog impt. of ed = big problem; now drafting Law because want everyone to see impt. of ed; consid = stabilize status of school, sts, mngmt/admin
- Li**: Agree re this law/constraints, resources; Agree prob-solv. meth = combine w. ends - means (?); set goal of ed = 21st C = frmwk of ed law/Ch; to ach. goal, identify prob, find sol; altho law const = at beginn, have some prog, tho not enuf.
- Luo**: Ec. devel dep. on quality of humans/ed; a plan from ed law w/in 10 yrs; draft 6 laws: (1) Ed law = umbrella above other 5 = a comp. ed law; (2) reqs/ac. degree (exist now); (3) reqs/ed. inst. of higher lang; (4) on vocat. ed; (5) adult ed; Now have some law: 1) teachers law: inc. + resp. of teachers, certif, trng, etc. 2) Pn ed law = one of 7 laws mention - Wk w. Ch's Fed of Youth to draft protection of minors. St. C. = forwarded to NPC: provides school resp/minors, shows resp. of fam, soc, + schls/minors under 18. In future, NPC will pass 20-30 laws or reqs/ed → forward all drafts to BLA (Zhang) → St. C, NPC. Also St. Comm re Ed will mk 300 rules, reqs/ed = frmwk (Cent. Court); At local level = own reqs, rules; Agree laws must // Ch. practice, but want to im. from for. exs.
- Li**: Probs: Applying for UNDP supt/ed field/drafting = recoms. from diff. govt depts, ags, leg. orgs. For drafting law = gd words, but face probs: (1) How to stipulate strategic role of ed = in Ch tho govt + P recog ed, not everyone recog its role; esp at local level, ed devel will help devel of ec // ldr's recog, qvra via law/ec. devel. (2) How ext. ed law systh fits Ch. practice + ed systh, will // world ed tend + Ch. practice; reqs/compuls ed, lit, incervice ed, exams, cont. ed/all professionals to serve ec. devel/ec. reform; eg aca. service agree reqs; in past, ac. deg. reqs = only to eval indiv professionals, but now seek to add applied screen us/egr; med. pract, law, etc, + 2nd ed + post 2nd ed (3) Ed admin = very complex, divs of resp bet cent. + local govt, bet. high auths + other govt auths; gen'l practice in Ch: ed. dept. takes resp/schls, but so do other govt ags - eg Beida + Chinghua = under St. Ed Comm, but others - eg Aeronautics = under other govt dept; so = probs → has delineate resp, divs of frng/each dept; ideal model = thru ed reform → better ed. systh = much coord, intvay govt ags. (4) Legal status of ed insts: a) rel to govt ags. b) to other soc. cretal ags - Reform → more autonomy for schls, now = too much contr; heard from an admin. worker at Hunan Ed Bur: for each sch, send admin to dept. bur = 20 days/mo. assigned/hw do wk; c) community non-schls → how taught, admin? should be no pay tuition - exists at all levels; during compulsory ed, sts don't pay too much, but after that (15 yrs) pay more; must req. levels of chrgs; since community schls devel rapidly, recently = mainly/ec devel, govt can't afford - encourages them; now don't have natl. eval, some = gd, some = so-so, some not gd; (5) Findg/ed = how to qvra. adeq. resources; law = 1 of biggest probs; (6) = partic of sol. in ed, sch. mngmt (7) How devel-ed exchgs/for. chrgs; (8) legal resp of ed; when someone brks law, what system of sanctions {how impte must}
- Li's Aim of Ed Law**: not specific rules, but est principles to guide formulation of other laws; Re back down issues to specific laws - try to "grasp 2 ends" + not draft some laws needed urgently, + on other hand, want ed law → on agenda = comprehensive, gen'l principles → specific reqs inside; eg in Ed Law stipula all bus. ents. must trn/practice students, posit of schl principles = Chinese. all Ch. schls re for. teachers.



Chung: Agree re putting laws thru indiv prob, least also want to devel - gen'l princ.  
his: One of reasons why grp wants to pass overall leg = cultural issue: Re Ch. legal system  
leg → passed by NPC, St. Council passes reqs; we propose to get supt from UNDP to  
get 1 law - put it together that way

Discussion of proposals:

Li: Suggests 2 go, specific; ~~my understanding~~ when talk abt 4 mo long course/drafting = prob; lang → exc  
most people; re ed grp, please clarify: 1 proj = ed law, or = general princ.

## COMPUTERS Monday PM

Eng Xue Wu = Computer Eng'r, grad Sichuan Univ/Sichuan, maj'd in computer = automated contr.  
teach in sch "Real Way Eng. Sch" = basic lang, chgd to fact/Railway Min, Project form  
To pass; modern refractor; This yr, June, 1991 → came to BLA / Documentation Ctr  
→ engaged in computer

Eng Xue Wu - BLA For Affairs Office / trans.

Zhang Dao Qi: 1964 grad/dept of maths, Anhui U; before 1970, wkd in mgmt of technology in Anhui  
Province; 1970 on began in computer prog, to 1980, wkd in computation sch of Min. of Chemist  
Ind; 1980 to now = Info. Centre St. Ping Commis; to 1988; then wkd in St. Stats Bureau +  
Info. Center. Mainly wkd in computer syst. maint, 1970-80; From 80-88 = mainly mgmt of  
info. 88 to now = mainly Ch's stats. data base. Now / BLA wkd in leg. info; written  
a book, "Application of computer in Ag" + "Applic of computer in mgmt of Ec" + "Applic  
of Math Prog in Automation using Computer" "Eng. Ch Computer Dictionary" "Short  
Term Dictionary of computer".

Li: How does this relate to computerization? Re existing BLA computerization project: ① Investig volume  
of info. mats req'd; ② Statistics re volume: 1949-1990 = NPC laws & reqs = 3,264; 1982 = 2,100  
laws & reqs by mins under St.C, & local gov'ts above county level; local ntes/social Peoples' Cong  
1949-90 = 1,947 pieces; 20,000 documentations/St.C & CP Cent. Comm, 1949-90; other mats  
need = legal mats & docs + legislative, judicial exps, int'l conventions & classical legal wks;  
legal docs/Ch. hist (every dynasty) + laws & reqs of for. chrs. Altogether = 2,800  
min. m - w/ is 5-10 yrs → incr. by 3000 m/1 yr. wk. ② System design of Doc. Centre  
= Plan: Main frame: (only have PC, refused to treat documents, not leg); At least need super-  
mini-computer; use it w/in BLA → mgmt/centralized = secure/access to everyone in BLA; to  
→ 16 terminals to main; UNDP proposal/ David = integrative?

Hardware = pec. to computeriz, can't buy in China: Main frame / Super mini-computer =  
Zhang has brought computers, knows the market; Optical disk = ~~substituted~~ ~~substituted~~, all others in  
item A = \$500,000; Optical Disk = \$15,000 - \$20,000; need one that can scan & write;  
~~substituted~~ ~~substituted~~

Re: ~~UNDP proposal~~ ~~connected to Doc. Centre~~ = km 6 people ① incl. 2/hardware

Train same class from which buy computers = in addn to hardware cost = 1 person/1 day = \$100  
= 1.5 hr/20 days = \$2000 → incl'd in hardware budget ② operations system = 2 to  
maintenance ③ for Oracle system -  
Software = \$200,000 for Oracle DBMS; can only buy via Center = cheaper = \$150,000 = OK.

Contract out to others to design system of organizing legal materials for computers;  
System design incl many people, incl Zhang + 1000s / BLA + Computer software in  
Ch; other people in Doc Center wkd w. drafters to org syst. of laws → indexed; Are now  
identifying people, can st. wkd. when proj → 2nd. ~~How people~~

After est syst, can exch w drafters in BLA; before exch, 6 people in center must  
hold workshop to train drafters to use it. Desktop will org mats into center, train  
drafters to use system.

Outside BLA, mins have already own Doc. Cent. BLA give them software, teach  
them to org. mats, collect via modem/telephone network; librarians = BLA funded  
to find. step-by-step bld up diss in chg. of time.

Will help to have ~~internship~~ ~~or~~ training - eg/Lewis: study trip to see which = suitable,  
then select internship = 1-2 for long time (3 mos) - visit US, Europe eg Fr, UK, G  
It, Aust, Japan, Singapore = 2-3 days each; US = best; Jap, UK, Fr = 1; another obj =  
est. rels.

Imperative to get hardware; w/o it, implementing = difficult

Re training Drafters to use computers: To teach layman, incl. software, = 2-3 mo; just word pro-  
cessing = 1 month; learn: a) learn to type; b) understand the of computer; c) tell them  
re techs of inputs/Ch. characters → teach ~~finger~~ system of strokes or pinyin or  
handwriting/part = parttime long/20 hrs/week; ~~into~~ in BLA; train all 150 drafters/BLA  
by end of 24 mos. begin to train all drafters → take 2 yrs; in 2 yrs, will also train DLA  
which also ~~to~~ have computers.

Re long exps: Have 6 people in Doc. Center: 2 hardware, 2 Oracle, 2 systems design = Hardware  
software

July 2, 1991

## Enterprise:

Ging Ling (Translator): BLA - Dept of Polit, Ed, Sci & Tech; grad Xi'an Prov U; Eng Sci & Tech → MA in

Wang Qi Li: (Reader) maj. wk = exam draft laws; res = ec. law, admin law; written 10 bks;

Studied law by self → BA/Beida; found in Ger, US in intl ec law, securities law;

St. Comm for Restructuring Ec Syst/Dept of Pol. & Leg; grad Beida/1960; engaged in Econ; oil min/ent. mgmt; 1980 began wk in St. Law Dept, 1987 → St. Econ. Comm, wked in Bur of E

Laws & Reg; mainly draft ec Regs, assist local auths carry out Regs - 1988, some depts chg'd or → transferred to comm. to Restructure Ec. Syst = V. Div of Pol. & Reg. Dept. mainly in chg of drafting ent. leg & partic in drafting ec leg; studies leg affairs/restructuring ec. main task: how est socialist legal framework = 5, 6 bks, 10 arts. Partic in est. ent. law, ec. contra law, bankruptcy law + stg member of Law Inst.

Wang Guang Ju - grad Beijing For Lang Inst/MA, 1989 → 72 yrs. in St. Plng/Dept of Intl Affs, under

son; coop w. Eur. chiecs.

Chen Li Ji: BLA/Dept of Ind, Transpt; grad law BA, Beijing Peoples U, 1986; → post grad/civil law BLA/1990

Maj. task = drafting, exam, revising ec laws; ent. laws; 10 articles; co-authored 5, 6 bks; trans-  
lated 2 bks re insurance + prod liability law; last yr → Canada/prod liability law = Deputy Dir's  
Head of Dept of Ind & Transpt.

Tien Yu Heng: 1986, grad Beijing Polit & Law U; wked in St. Admin/Ind & Commerce; 1986-90 = advertising

written & co-written bks; drafted advertisement mgmt Regs; from last yr to now → Dept of Ind & Com  
St. Comm/pol & Law; registration of cos

Peng Tiao: St. Comm for Restructuring Ec Syst, Dept of Policy & Law (under Sun); 1983, Peoples U = Law,  
BA; 1983-5 → teaching in Peoples' U = Int'l Ec Law; 1985 → chgd to Min of Mach. Bldg

& Electronics/re payment; 1986 = St. Ec. Commiss, drafting co., ent ec law/mgmt; part-time  
attorney; deals w. ec & civil cases; → St. Comm. for Restructuring Ec Syst; co-written

4 bks, 10 papers; main task: res/leg, probs/restructuring ec. syst.

Yuen Zho Ti - Dep. Dir of Policy & Reg. Dept. Min of Labor, res/leg; Sanding U, Econ. Mgmt/ent

+ Law; after grad, wked 2 yrs/ent, then Shanghai → ec theory & leg res; 7 ents divis = res re  
ent. pol. & legal matters; St. Plng Comm. sent him to Beijing for Ec leg; 1988/restructing

came to Min of Labor; 20 yrs of wk exper → speeches for ldrs/country, province, etc &  
written 12 books, mainly mgmt, ents; contract responsibility; ents int'l inlets;

\* Since joined Lab Min → drafting Labor code & labor res; This yr, member of Asia-Pacific Legal  
Inst/Amer; apr. time = bibliography → exhibited in Japan, elsewhere; born to Brazil/In

law; Now = task to envision 199 & med ents; editing bk/lab. th & practice

Wang Qi Li (Reader): Obj. of Task Group/Ent Law - existing leg; Since 1979, pd atn/ent leg;

= main task of ctry "life" → divide ent from st. ownership, other forms. = Law of Ind'l Ents &  
ownership of whole people; same covers all ents, except fin't ents; 199 nos. of collective

ownership = 2 types: ctry & town; pub leg/citizn; town coll. ownership leg → pub'd

Also pub. ownership ents, law & indiv ind'l ent ownership law; since opening to outside for

10 yrs → 199 nos. of for ents. Ch. For It. Ents law & For. Fndd ent. law →

many corps. leg/corps; stats = 260,000 corps (abt 10 % for); most = intel liability

co, smt % = stock ltd co. drafting leg/intel liability; Accord to leg prog → pub

intel liability law this yr; re stock ltd co. law → pub'd next yr. Drafting reg prog

Ents, can merge. data: 1600 mergers w/o leg; since exper & pract/This yr → need 16

Now main res./conglomerate law reform it shd take, ② internal mechanism

low? ③ → transformed to become TNCs; Have policies, but no rules, Regs. → St. Comm

\* Leg Prog. 1991 = basic res. → publish Regs 1992, 3; Since leg/bus conglomerates = main  
expers/ind'l chiecs. incl. in this Project

Sun: Bkgrad/Bus conglomerate law: Bus conglomerate → dwell/commod ec → ents →

assoc'd, now = 1600-2000 = informal; = 6 obj's: ① To chg ents' mech/mgmt & 199 seal

② of Japan has 5 Iran oil facts, 1 = several Ch. oil facts; Ch. has 100 ~~not~~ <sup>state</sup> ~~whole~~ <sup>factor</sup> ~~type~~

facts, US = 3, Jap = 3 - 1 Jap firm = all Ch. output; every province has elect. app p'ts

\* But low effectiveness. chg mgmt of prices; take into consid issue of comp: can't  
have only 1 field ③ ind'l eles to ~~used~~ <sup>use</sup> more effectively = conformed prob/inte

of ind'l field ④ use advants of conglomerate ⑤ more impt/impr. sci & tech → sci

research → ind'l pract. = 6 new high tech zones; ⑥ help ents → high level/int'l com

in past = unaccomp. → conglom. / TNC ⑦ effect essential mgmt & contr. in a good →  
wst/more effective. Jan 1991 → St. Council disc'd spec. mtg; St. Comm. for Restructure  
Ec, St. Econ Comm → research how dwell. bus. conglomerate → test = choose 100

conglomerates = 'test': a) 55 ind'l conglom. → preferential trmt/for trd; since = many kind  
need leg/int'l customs → more comp; want leg now/for nation

Peng: Bus. conglom = new form of mgmt mech: → consid elim admin. crits; use leg, pol/lead

bus → voluntary conglomerate. consid vol/effic, comp. Consid bus. conglom → close  
men = stable. China also = 7 methods: capital → formed via stock mkt. or let mergers



How ensure people needs? unify mkt, tech, fin, etc. = learn from int'l cos, investment center, Prod. center, etc.  
esp syndicate  
Given: Min of Lab pol/congloms: After 1990-91, Min of Lab → how relate to congloms

= Lab reform: ① Lab contract syst re personnel of conglom = so all personnel sign contracts/individ in conglom; Co. can hire, fire/contract; whrs may lvs ② = brk iron rice bowl - ② wage reform: → rel'd to profits of ent. whn gov't firm wks = brk into several categories: wgs/task & output → incentive to lrn more techs; or do less pleasant jobs; drafting regulations - learn from for chns/min wgs law; protect ec. devel + min. level/whrs ③ social security reform = 3 reforms: ④ re firemt, begin incr. level of society/retired = diff ownership in past: diff benefits; now → unified retirement fees; → way to elim. worries re diff. jobs; → rely on gen'l syst; ⑤ unemployment comp: give min. wgs./unemp → used in several provs.; ⑥ ch medical security syst = chg, ents, indivs all have equal access = min. fees → minimize waste of medical costs; ⑦ health & safety syst = drafted reg/mins., submitted to BLA → minimize accidents; ⑧ holiday system, 8 hr day: drafting 1-eg/Labor Code → pay attn to protn of women, young people; Lab Code = at BLA. ⑨ Now focus on how to enlighten big firms, congloms, Min = int'l in project

Wang: 2 more pts: ① Bus. Conglom = voluntarily assoc'd in 10 yrs/reform → varied forms = ex. how to pass laws; congloms = in all sectors, incl collective, pvt, state & between them → impr. mgmt: eg. Tien's Co Regis: what std? diff pols/whats kind of congloms/govt supt (or not): 1-eg = impr. mgmt; 2-ec. devel. To devel. → // fin'l pol/chin + // ec. reform = qtr-self-reliance

2c Q: How deter obj's?

Peng: For ents = probs, don't run well, can't sell/mkt, whrs = idle; others run well, have mkt, but lack capital → ind'l ele not equitably devel, some ends = better off than others; conglom op well → assoc'd → more effic.

Ms. Wong: 6 obj's = advants;

② How resolve conflicts, what research?

Wang: Now introd/leg. process re Bus. Conglom: Several steps: a) Proposal bill; will expl. why propose, what criteria & mins, NPC, St. Comm; eg Bus Conglom = proposed by St. Comm - to Restruct. Ec Syst; b) BLA with research proposal to decide if shd be in leg prog//several factors: ① nec. of leg: use other leg? by leg or other methods (eg pols, admin rules); is rel. involved a "legal" one - re involves mutual responsibilities, rights; is rel. specific or general objective? reqs = govt im-plement; policy = educational/media, etc. ② conditions prepared: eg. when draft ent law in 1980, → prob'd 1988 = during per = reforms = many probs, didn't decide

Sun: Rel. bet. reform & leg: ① intent of reform, idea → exper/ents, if wks → policy, use → guide leg practice, if wks → law; ② = 2 forms of law: a) summarize successful exper → law; b) ③ 2nd way → reform guideline eg direct resp syst = std in few cities → successful - ext'd; later, after success → regulation/dir mgmt syst. eg Enterprise Law = reflect reform practice: concrete exper of rel. bet govt & ent, this whn ent, meanwhile, ent. law → guide further reform; esp. autonomous right → extended // St. Council permiss. Ent Law = 4 targets: auton. mgmt, ent = resp for profit-loss; Self-account, self regulation. Ent law not compulsory = flexibility; if can't ach. goals, have 13 rts; if can't ach. requirements, not "illegal" but w/in fixed time per - each goal.

In setting targets, began w. Ch. circs = st-owned ents: prod, supply, mktg, res, funds = admin via st = no autonomous rts; PARADOX: Is it profitable or not, eat from big pot. = w/in ent = no incentive for whrs = no creativity; restructure syst to vitalize ents; re research: in ind'l sectors, made reform/10 yrs - exam, also exam for. ents // 2 criteria: ① how they use funds/prod.

Peng: Investment rt = incr. =

Sun: Many Ch. whrs, at all aste what is reason: some think = social syst, others = ownership, others = mgmt; others = distrib bet st. & ent, ent & whrs = irrational. after many yrs, we concl: prob = distrib bet st, ent & whrs. = redistribute profits; mgmt mech = st. chg too much, no autonomy; decentralization; to resolve debate of uneven devel. vs. shd tm profit max;

Beang: why Ch = diff = not others = pvt, in Ch, but = st. own; in past didn't care re profits, only → fulfil target To expl. how researched results: Ch. ents before = st. admin. = can't // mkt = no creativity; research = why r.t. bet. input-output = disordered in plug, fin'l, tax, fiscal systs = reports by research govt officials want to find out spec'l probs + ac. researchers, visitors to for. choice to compr mgmts, also nat'l seminars, seminars to discuss = reports to Parliament - Last week, Sun finished another seminar on mgmt mech of st. ents = experts from US, Japan, Finland etc. came here; policy makers consid repts → concl. how to overcome probs. re decis/vitalize after rec several hundred investiqs & seminars → decentralize → autonomy

What are the issues of probs? → gd results/decentralizing but because of chgd environment, but some → probs: eg because of retrenchment, took br rts/local auth; so govt sends officials to provinces → disc. w. mngers who said → taken back... not suffic autonomous. - see need for law to prevent backsliding (before 1988) legislative bodies can conduct eval - eg BLA; in NPC, have leg + internal affairs comm to eval.

Q: How many staff to eval? 20/BLA isn't enough  
Sun-A: For us, w. long hist of leg, but here = recent. began to lrn to exper. - lrn re eval. = prob of implementation - Besides BLA = 20, but every min has people to implement laws

Wang: ~~But~~ Cont. re subj. this AM: To know more re process, how BLA works: Leg = syst./grp: accdg to leg. 'wheels', take Co. Law as priority because consid whole syst. Hist of ch. leg = sh. = wide gaps in leg, in field of ents = series of rules + regs, but re Cos = no regs, also this AM mentioned Conglomerates = large grp. need leg to solve

probs; eg Conglomerates = 1600 exist, in org, but no leg. need frm wrk; Research Inrs als exam rel bet. st. consoms, rts, duties → consid sol; Govt org auth to research laws; to sum up own exper + exam other ctries.

Re what can lrn from for. exper: 'Success' = from govt's vw, what rules wks, don't/qing; agree shd lrn from success + unsuccessful exper. - Re conglomerates - need to know trends of conglomerates; what are common pts? what are difts? - in leg → rules/rts, duties, + implementing ags/rts + duties, eg reg, taxes

Wang: SAME RE COMPANY LAW: 260,000 Cos now exist = 10% for, co = "ent" just stg. not clear so must define precisely. How = gen'l idea incl. 1 person co, partnerships; at present, = 3 forms: a) ltd liability = 2 shldrs + = lrg % of cos; b) shr ltd co = 5 shldrs, liability/shrs = equal shrs. some can sell shrs. on stc exch; c) ~~about~~ = only shldr. over, ~~France~~ Some st. cos + st. ents = same; some st. owned cos = diff, w. bd of difts = govt apptees. prob: How formalize state owned Co? what = co, what ent? Research = diff. ownership/st. cos, st. ents; ~~govt~~ st. co = grt. autonomy; org mech./int'l customs = bd of dirs; also → fin'l, taxes/co. laws; maybe → new kind of co = ltd, unltl → combined; shd latter exist (inter = partnerships); ie for co. leg = gradual investg; now drafting ltd liability law, before 1995 → gen'l co law incl. all forms; → look at for chn's exper: forms, rts, etc; do comparative st. re continental + common law cos.

Yuan: Re Chn labor's rts → protected via Co. law (in 'socialist frm' as compr'd to cap Comn A: This = ansel/lab law: hrs of wrk, safety, retirement + leg, etc.

Wang: In Ch, in leg, ~~just~~ special law, all wks/every ent, can rely on these laws; don't mention 'Co. law'; Re co. law → survey/research: in labor reform pr, prepr which = library res, based on preparation → outline of Qs = which cos to go to,

prob- issues to survey; send Qs to for chn, ask specialist res pnd, or seminar after that, write up rept/outline re what lrd/Q; also bry draft law for consid → consult for expt, altho = diff soc syst, = common pts/leg; eg via ei mngmt, have common successful exper, in Ch = plnd comm ed ec - = common pts/mkt sys; also lrn/leg techs; what they think re how to leg; eg, for survey to Canada, re prod liability law = many ll to Ch - eg. aim to incr. quality of prod, protect cons. int's, same re faulty prod/accident → repay consumer; eg US = strict liability syst; Ch = ~~re~~ fault syst, may shift to no-fault // U.S. = ~~re~~ Strict liability paymt incl. mental loss = rational, maybe consider it. - ie from trips → lrn common pts. - = ref, not ~~re~~ → copied.

Q: How abt law in bks, v. law in action. - eg prod liability law  
A: Don't only visit lawmakers, but also implem. orgs, ents, unions, ~~etc~~ cons prot'n ~~assess~~ → lrn abt re tn + pract; Drive survey trip, not only consid law + impact, but also list, probs, etc.

Accdg to our exper, for laws/for chn's, mit'l rules → lrn abt them so can mk our leg more gen'l/ mit'l areas → open to outside; eg re Brs Conglom + Co law, when for cos inv here, Brs cos go there, want regs/ mit'l laws - task grp = from St. Comm/Restructuring, also labor + implem abls

leg = concurred w. all fields → solve prob.

Re delays in drafting:  
Labor Law taking 13 yrs so far w/o passage?

Wang: ~~1st~~ reasons environment = chg, law needs stability. so delay till prepr findn jeverthg al- ways chg, has stgs, some = faster, slower chg, 1979-89 = special per. of chg, but now → qtr stability; eg ent, law took 9 yrs, diff ldy mech → decided;  
② Aths, nat'l, local = diff. rts → prolonged consultation, quarreling → concern re leg affairs  
Bvrs = eg NPC Stds Comm mt 6x/yr, St. C = same. need to strengthen leg aff. depts.

to choose leg/UNDP prog. can → completed 5 yrs = prepr/long time =



1. Experts: 27 sub-obj + cons
2. Potential sol/delay re conflict = minor/exp.

Summary of people's info pts. re. long prog - soc. prog & pol. ec / univ. ed + in res. inst.

Basic lang. in pol. ec + soc + law = w/in univ. - drafters need drafting lang, but can't go out for long time to run on these things; maybe consultants come here, for most nec = 1st leg / spec. laws - since have many yrs exper.

Need to train specialized law - in univ also teach spec. law - b

## MARKETS

Wed July 3, 1991

Wang Yu Sheng - 42 - post grad / civil law / Jilin U; whel in chem corp / 12 yrs, drafted leg / gov't ec; maj = civil law / mktg, ec; recent yrs, attended UN Conf re structure law, practices - research; last yr, visited Ger, st'd comp. syst

Dong Yongcheng - Dept of Law + Reg of Min of Mats, Deputy Dir (53 yrs old); st'd ind'l ec, recently whel re law for 20 yrs, mostly practical wk, esp re contract & rules + regs / transport, mktg ec, etc; attending gov / drafting com'l admin + commod trad law; happy to attend app, st'd hopes to get instructions

Liu Han Weng - Dept of Law + Reg, St. Bur. of Commod Price, Dep. Dir; St'd eq. ec, wk in plan + price for 30 yrs; knowledge of law = mainly from practical wk; 1981 on = drafting regs + price / st'd 1987 -> member of Comm. to draft price admin / PRC; now attending job for Price Admin in = member of Ec. Law Commiss. Visited Jap, Thailand to stud. price admin + law; now in this Org re unfair comp. leg. Also introd another colleague: Wang Yang Sun, St. Bur of Law, ec Price, formerly of Law, Beida, studying price a long time, close rel to practical wk = several confs / price reg, now also in Gp

Chen Duo Pin - Dept of Law + Reg, Min of Econ + Commerce; didn't attend Law U, but knowledge practical exper + night school; 16 yrs wk in govt; 1981 on = leg. regs; also wk on Maj of Min of Commerce = self-taught -> lawyer, drafting admin regs / commod, price, attended activ / regs, laws re wholesale mktg; auction, in China, leg = imp. to implement Will also introd Wang Chen Rong - 59 yrs = com'l activ / 40 yrs = main drafter of com'l law; 1981 on, Min of com body headed by him; also visited Thailand etc. -> familiar w. com'l law, activ + has high engt posit.

Ji Jun Guo, 42, St'd engt tech / u, research re engr. tech / 10 yrs; later wk as law consultant + long, then -> gov't: St. Bur of Tech Inspection, now = chief divis dir of DLT of that Bur; job = evaluating impact of law; Now drafting unfair comp + protection of consumers law = common in W; main drafter; 1990 visited Canada re st. this law, hopes to be in mktg gp - Also introd Jiu Ye Wen, 52, out of Beijing; grad Dalen Ind Coll, tech job / 15 yrs, then -> leg, attended standardization regulations; now performing them; headed visit to Jap. + Asian nations

Li Yu Ding - Dept of Law DTA, Min of Mats; grad Beida, 1983; worked in Min of Tech + Ind 4 1982, went to Min of Mats (just founded) 8 yrs = leg. drafting; recently = job re drafting anti-unfair comp. regs + mktg laws; here to wk. re. fair + eq. commod.

Lin An Fo - 29 - Jilin U / post grad, '85; now = MA in law, -> job / govt, mainly investig probs re law + admin; now = job in St. Admin + Comm, research + drafting re anti-unfair comp + protective consumers;

Wang Chao - 33, Jilin U post grad, '86, then taught ec. law there 2 yrs, 88-90 went to st. com'l law; after returned, St. Bur. of Ind + Comm. = research / mktg law + com'l activs, regs; last yr, pub'd args / anti-unfair comp, protective cons; now to draft anti-unfair comp law. - Hopes to learn from re. societies / anti-unfair comp

Pan Fong - 28 (F) Post grad, Ch. Law U = MA; During st / u, attended job of revision, ec contract; after grad, job -> St. Admin for Ind + Comm, mainly investig of mktg l

Guo Tong - 24 - Beijing For Sts U / 1st yr - Now in Intel Dept Bur. of Ind + Comm

Dong - He says leg / Ch, hopes to contrib - went to W Ger, UK, US, Holland to study their laws, reg then went to Peoples U to st. law; during this proj, hope to get instruction

Wang: Unfair Comp Law: Regard of Prob: // Reform = Plnd mkt ec & formal mkt pol will undergo grt. chg; all ent & producers go to mkt went self-mng; = mkt pol diff from us; don't copy so must est mkt ordn to promote our mkt; during est of mkt law, used by that gov. mkt active, i.e. behavior of seller & buyer - noticed that unfair comp laws = impt/hist of DCs, requires competition // honest, fair, commonly accepted rules; this can promote fndn of fair mkt → facil. soc. plnd ec & mkt. Out of this concern, seek unfair comp. law = impt. law/mkt active; but IPROB in drafting - shd lrn from W; many chns est. unfair comp law prior to anti-monop law; in Ch, eles affecting mkt active come from unfair comp & monop; as to our industry/monop law of other chns, st. inter. in mkt not monop; anti-monop law refers to ent. restriction on mkt; when we draft overall bet. ent. monop & unfair comp; but overall ent. take b.g role in mkt, st. plng → less; PROB faced: monop/ent not main diff, but unfair comp = more impt, tho both eles exist. Not nec. to pass anti-monop law; when drafting unfair comp law, <sup>monop</sup> eles affect mkt active. 2 tech prob (2) // 10 yrs reform & opening → single regulations which govern mkt active, mkt ordn, but from diff angles, not a system; unfair comp. law must link w. single regs - i.e. if just set aside single regs, 3 eles/diff: a) if don't draft overall law, indiv regs won't wrk; b) if put them aside, est. unfair comp law = fr. & role historically = quite small. c) if set unfair comp law, & put mono-regs aside, must consider how unfair comp law links w. others - (3) To est. law = nec - To SOLVE DIFFS → investing further/self + aost/int'l soc. Need to learn how DCs cope w. monop, in solely mkt ec; won't copy them, but can lrn from their exper, must also invest in implementation, too. We will summarize defects of mono. regs → find way to end unfair comp/law; During whole process, seek UNDP exper/aost.

\* mental retrad ?  
Aster re-education & computer search

How involve? what th? how learn?

i don't know UNICV ch.

Pin-ming said something/principle - wld like to say detail/unfair comp law: As far as we know, concept of unfair comp law = diff in diff chns - eg US, UK & now = difficult to set scope of unfair comp; Jap: classify = 3 categs: (i) monop (ii) relative trd practices; (iii) other unfair laws; Now face monop law not ready for drafting, so how distig bet. restrictive bus practice & unfair comp; tho how standardize 'unfair comp' = criteria - eg criteria of "counter-fitting" = difficult to est. criteria; 3rd Diff. distig unfair comp, trd mkt law e.g. contrad bet. unfair comp & patent law (200 asked); unfair comp law exists patent law & trd law;

Wang: Accord to our VW, if merge ent. active, consid whether big ents can contr. mkt, whenever many ents can form big grp, if don't contr. whole mkt, not = monop; chns promote anti-monop, promote smi & med ents → merged so several smi firms → conc'd → promote comp & productivity. ∴ at moment ents block not a threat; one ent block monop's mkt → contrad to th. of plnd mkt ec.

Dict? what? more? search?

Gen. (F) lessons for cons protection law/reform (1) Some bus lds do bus unfairly; e.g. Fake commed mixed w. real one, exag'd advertisement, st. chg = endangers consumers; (2) protect cons. int's = commed & trade law, expt - impt. libary, but a set from reg & bus dealer's perspective, not to protect cons. (3) Govt stip'd law of admin & govt insts, require them to observe rules = better bus, but not to protect cons. per se; i.e. legal int's of cons = not well protected; (4) basis of perfecting regs → protect cons. int's = diff. from prev. regs. (5) will it endanger other regs? Meanwhile, present regs may not protect cons. int's, may overlap; since 1987, some local regs = limit scope/local area; can't solve interpret. areas' probs. - contrads bet. prod, cons but not w/ nat'l basis; China = 1/4 wld's pop = cons. ∴ to protect them = signif. stabilize dom ec. & social sit. So = nec. to protect cons. int's = benign circle bet. cons & prod → promote devel of soc. plnd ec/mkt. So objectively, mkt prodn of cons. int's. Now = DIFFS: (1) Rel. bet. prodn of cons. int's w. prev. regs; (2) taking regs into acct. = concern ch & gov cons = diff. - here other chns do (3) How set criteria for prodn of cons. int's? how govern producers → honest bus? = nec. to benign circle bet. prod & cons. Non-govt orgs/protect cons in other chns, also in Ch = 1



hope to learn from other cities.

Wang: Wants to add/method: There is diff view/cons. compar'd to other leg. As obj. & implem. = also consumer. think: what <sup>rights</sup> ~~rights~~ of cons? If = enlarg'd how prot? If put ourselves in that posit → think re buyers' & sellers' behavior = 2 add'l points: ① Full content of rel. bet buyers & sellers on which leg. shd focus: sellers, maybe producers as well as merchants, so how set leg. this concerns; How cons. shd seek prot'n if rts → enlarg'd? ② When law provides rel. perfect prot'n, how give cons. op to seek prot'n? What processes? what channel? If cons. if int's in danger, doesn't like going to ct? Besides civil law, what can he get for losses accordg to contract obligation? If goes to ct, what certification must he prepare? For himself? or int. bus? = diff/diff ch; but no effective regs/ch. yet.

Liu: Ms Ren said prot'n of cons. int's = rel'd to other regs, but at moment = no leg. to prot. cons. nat'l level, this = regs w/in other law; eg regs/prices explicitly affect prot'n of cons. rts = realize aims via 3 channels: a) Inspection/price inspection = \* check actual sales price vs. govt price; b) Cons. orgs to obs. if ~~seller~~ seller sells/govt price; c) to promote cons. int's in law → inspection bur. → rel'd 1:1 bill/yr. to cons/yr.

Still not perfect. ∴ nec. to est regs

~~Wang/Mo~~

Wang: Because today, stress Ch., but = similarities bet Ch. & W. nat'ns, eg US, re ec'd of nat'n; eg common place = unfair bus. pract's in both Ch, US. = similar sales. ∴ lon w. leg.

Wang (Dir): Don't worry too much; Ch has long hist, w/lt; if = diff. to lon, = more diff. to copy. 'wari' copy - hope to learn vns via int'l exch; → draw concls/ch; learn/method re leg. of W. Soc. = signif, wld like to cont. disc.

### Law III: Commodity exchanges

Mr. Chen: Links to previous 2 laws, but angles & int's = diff: Reviews 2 laws = set an "blend angle" i.e. prevent bad behavior. This = to direct approp. behavior = how protect rts of bus. dealers; protecting cons. int's focuses on their int's; leg. commod exch = to protect producers, → complementary; ~~then~~ go to multi-commod int'l → how to protect sellers' int's = multi-channel bus. dealings co-exist w. unfair bus. dealings. st. shd strengthen role; purpose of leg. isn't only to protect st, but also protect sellers' & buyers' int's = 4 rel's = ① diff regs/4 aspects: ① adjust rel. bet. commerce, ag & ind; ② adjust rel. among com'l ents; ③ bus. dealers & consumers; ④ bus. dealers & st. admin body = ruling & being ruled. First 3 rel's = parallel.

4th = "straight forward" DIFFICULTIES in drafting: ① ~~the~~ Delay = common: labor law = 26 revisions, other commod exch = 11 revs, because get chgs/reform; before = strict control of commodities, now → released. before ents = attached to ruins, now = legally autonomous; uncertainty & instability w/in reform = probs w/d to syst = anti-monop. leg. w/in Soc. etry = utilities, oil, etc shd not be consid "monop" because state sets price, supervises st. ② Money we face now = local monop + certain depts. e.g. local areas, to protect int's, sets regs. by commerce re bus. w. some ents, excls others = "localism"; During process of ~~leg.~~ <sup>law</sup>, when we win some cases, can't recover funds; some depts took other depts money & do bus. w. it = encouraged by local govt // local bus. act. promotion, shd've been prohibited by leg, but still exists ③ Price shd → set by mkt, but st. est 3 prices: st. plan price, st. mkt price, st. price → preliminary of soc. = lack of commodities = severe prob, people speculate; during process of drafting leg, focus on reform to impr. syst; how com'l org. perspective = failed comp. accordg to Ch's syst. st. ents & supply coord =

\* main channels for gds, but conds/comp/self-ent = diff; state, to use self-ent ents, supplementary role = low taxes, taxes st-owned ents heavily st, to ensure inst supply, gives coops full resp, but haven't given them preferential trmt, not solely law issue, but can't divorce policy from law at least law shd embody gnts of st-owned ents + coops = main mktg channel  
④ To lrn from W. leg: accdg to probin. state, abt 70 chns w. commercial exch leg, can't copy it all, but can lrn from them; eg laws/corps, com'l Gils, etc. = set sep, indep. law/contract; but some princis = similar

Re project training prog:

Wanda agrees w. methodology on behalf of grp: In principle, accept proposals; think to grasp method = impt, but the method isn't essential ele - it doesn't solve all probs; accdg to ch-conds, present sit = nec to st. environment, resources that might affect law → And solv/ch. ③ Agree must grasp method = impt aspect, UNDP has 2 steps: st. Tour + Training; in terms of im-plementing proj - eg who go abroad, consult B.A.; accdg to what said, anti-money law/US = imptd role. might think Ger = proper nat'n = anti-money. In terms of protecting cons. ints, US + Ger = proper nat'ns to st; does not affect send ch-team to st. method in Boston -

China = LDC, leg taken impt steps / 10 yrs; can lrn a lot // method; appreciate your input  
→ find solv/ch. sit. Hope to strengthen collaboration.



July 4, 1991

# AGRICULTURE

Chen Chung Wei (1942) BA Beijing Politics & Law Coll/1963; WK/Provincial court + Hll '78, Then Beijing Ag Univ; 1982 → Min of Ag; res./ag leg; 1st draft/ag ec. law;

Sun Yu Hei - 1940s, wkshp/Beijing politic in an wkshp; 1954 born/Peking; wkshp in Mongolia as headman & factory; Jilin U/law + MA/law; since 85 wkshd for BLA, now = divis chief of Dept of Ag, For. & Rural Const; ~~see~~ Pank in drafting several dozen laws & reg; incl. water & soil conserv. laws & Flood Contr; pub'd abt 50 arty/laws = partic in editing; Dir. of Natural Land Resour Soc & Studg membr. of Water Law Soc, Ch. Law Assn, Ch Land Law Soc; studg membr of Bd of Dir of Ch Township Gts Assn

Li Enny (1941) Ch Polit & Law U/1983 → lawyer/4 yrs; '87 → Min of Ag → draft ag law; Deputy Dir of DLA under reform & law

Wang Wen (1965) Beijing Ag U/econ, mgmt of ag & law/1990 → grad → Min of Ag/DLA

Gao Fanzhong (58) Dir of DLA, Pol Ref. & law, Min of Ag; ~~present~~ Ag Sci/USSR - grad 1987, + Beijing Ag U's Ag Econ & Law [See CV]

Lu Jie Chuy - 25 yrs old; Tianjing; Shanghai U, law, 1987; then grad, Min of Ag, office of Min, 1987 Ag Leg Sect of Pol. Reform & Law; focussed on leg drafting, enforcement, publicity; took part in writing books - expl. meaning of put. ent. regulations (first "law" in China)

Wang Jie Tang (1964) Shandong Prov; Shandong U, law, 1987; Beijing → BLA/partic in drafting 4 ag laws, also exam. 3 of big laws: contractor resp leg, co. with 4 Gts.

Su Sixi: 1963 - Hunan Ag Coll, spec/agronomy/BA, 1984; wk/Min of Ag, in int'l coop, try course in Nankei Univ, worked/drafting for prog officers; last 2 yrs: dealing w. VNDP projs = close coop w. DLA/Ag; Travelled to 12 for etrie/st. tours.

Reesp resp. for drafting agricultural technical <sup>extension</sup> laws + ag. investment laws = will complete 3-4 yrs. (put on list of priority laws this yr.)

Procedures of drafting 2 laws: Std ag. tech. ext. early; for long time = rich exper →

regulations: in Hubei Prov → init'd reg./ag. tech. ext = gd base; Apr 1989, Fin Comm, NPC, proposed bill to draft law, requested Min of Ag, St. Ping Comm → resp. for drafting; Min of Ag given grt priority to law, est'd comm headed by Vice Min → 3 yrs: draft = ready, now soliciting opinions from govts, depts (chosen by leg. ag. drafters = those involved in drafting, if farmer grps = send copy of draft to local govt, ask them to solicit farmers' opinions; send draft to places w. gd ext. service & to those w. not gd exper + wkshps. we farmers = solicit opinions from every province + autonomous regions, local govts as lower govts; field visits to 10 local regions -

Gao: In Ch, pols. shd rep opinions of people, re wom's posit, have wom's agns; if prob concerns women farmers, obt. comments from wom's + farmers' agns; Ch. pol = to get everyone rich at same time; pay attn to wom. + farmers; ag = special field, taste of law = impr farmers' std of life - ask for more & more; eg. Dir. of Office of Peoples' Commune (now township) to impr. stds of poor farmers/CP, peoples' govt; even commod ec. dwell, but govt tries to constrain diffs; provide spec. funds for poor reg's farmers - Redifi bet poor & rich: signif diff bet city & ctry; some farmers get rich, but after 1984, 90% of farmers → richer, before didn't; even tho = diffs, basic lives → impr'd; Planview ag basic law → reduce diffs bet. cities & rural areas;

Sun: <sup>who do women</sup> ~~whether~~ = men or women doesn't matter; we think we're resolving prob/anti-fordal; various govt produce document to protect rts of women = new law; govt recons wom. occupy 9% of posts, unalloc. wom. grads.

Gao: In Guangdong prov, = shld'd ag ind, talked w. wom = maj. lab force, but in W = poorer, most ag wkrs = men, most mngs = men;

Sun: Want to draft law on ag tech ext = very imp: <sup>dis'd w. farmers</sup> Many Probs; ① mech. of ext. serv. not complete/staffing, composition not approp/tack ② lack mat + funds; ③ benefits/rtr of ext. staff not prote so = reluctant to do job; ag not of int/shr tm. not find; TO RESOLVE PROBS → Law to stipulate prot'n of staff's rts

Gao: Maybe basic cond sin Ch = diff from 3rd W; many coops exist, a lot of tech → extended thr coops; all farmers = members of coops; richer farmers get rich in non-ag projects; but in ag, costs of inputs rising, prices of ag produce = fixed; in tms of ag. tech. ext = lower priced serv, no pay; next step → focus on social ag prod service/tech ext; ask every govt at every level to sup't tech ext, ask township phds put profits into ext. tech via coops, ownership of land = social. main probs/prices = lower, so profits = lower; eg chem fertilizer, strictly contr'd price, so every farmer can get inputs

Sun: Re Ag Inv. Law 1988, delegates/NPC from sev. provinces proposed law: 1989, farmers comm + Min of Ag requested St. Co/BLA to draft law; leg. grp, led by V. Min, orig'd, w. St. Ping Comm → incl. Min of Ag, Fin, St. Ping, Min of For, Min of Water Conserv, Ag Bk of China; draft → submit to Pm, goes to NPC approval [Every yr. Min of Ag gets requests many laws, but of these select only some, expls way to NPC deputies].

## Agriculture, cont

Sum: Ldg grp → est'd '89 requested Ch. Ac of Scis to research inv/ag; org'd symposium in Xianxi + Hubei Dept to disc. ag inv. sit + inv. proposals

Li: ~~Li~~ Li: Govt inv in ag = inv in ag, incl. plant prod, animals, forestry, irrig., water conservancy; funds inv'd incl. infrastructure, ag staff + research, ag credit to prov. + put

Sum: Min of Ag → active prep, nearly finished; Re procedures: Dept. form drafts = layman draft goes to DLA, exam'd by Min's office, → submitted to St. Council → PLA review;

Li: Re procedures: Title = "State Inv. in Ag": aim to resolve probs/cent, city, local level;

(A) = reason (1) In last 40 yrs, dec'd ag. inv → ag dec'd several times; esp since 1985

\* Li: ag. prod fluctuates at certain level, for reason = dec'd govt, other inv: Cent. govt inv in ag infra from 11% in 1979 → 3% / 1989 of total govt inv. Mainly due to reform of Sin'l syst: because local govt at all levels pursued high growth +, since ag. inv = risky, long term maturation, low profit. inv. in rural inds; due to inv. fluct = fluct. in output; at beg. of ind'liz, world exper suggests nec. of ag. inv; (2) Scattered admin of ag in several govt auths. → divided funds / many ways = not integ'd (3) Law aims to (4) inv amt = stable + suffic; (2) mgmt → coord.

∴ Solution = LAW → request govt to fix amt. inv'd/ag = 2 ways (1) Cent govt inv = fixed as % of inv/yr; (2) 11% of ag prod/GDP = province inv (2) mgmt + admin of inv → stringer role of Ag. Min. (3) If law broken, then = Q: what punishment? issues: NPC = supervisor budget; role of superior govt = supervise lower levels; If law → violated = criminal + admin punishment; eg. if local govt doesn't implement law, → admin. punishment; after publish law → invest effect after fixed period of time + farmers' assn can supervise laws, can expose illegal inv.

Guo: Before law, inv/ag = req'd by CP; 1978, CP dec'd % of inv; no law implemented = % decrease = procedure of P not eff. ∴ farmers think need % → law, known, → enforced by ct.

Sum: Proposed pts/agd as wkable; know little of for. cties exper/st. law = 3 things to learn: (1) hist bkgd of leg; (2) laws effect in past; (3) bad exper → avoided; from var. bks, reqs. laws/other cties = how carried out

\* Li: 1917 - US law/ag credit; Jap, too inv. law; anxious to know hist bkgd; also memo by law to coord. ag inv. for implementing, bcs + depts scattered and cties in bill w/ly punish person in law; To resolve prob. of many actors misallocating inv: (1) punish those who inv. out, the plan = punish financially (2) = incentives: if bks provide credit/pln, govt cld → inv. int supplement; taxation = cent govt can reduce taxes on ag. devel. funds/banks;

Guo: Impt fear = strengthen govt inv, law won't affect priv. inv;

Guo: Proposal = good, esp for training (Theoretical skills - eg memo; before dec'd never used it as envelope; Min + NPC deputies just disc draft, not enof/ memorandum = good way → more scientific (2) re computer = very nec: now = hand writing, cutting from paper etc in envelopes → search in stack of info. Documented center + computer = very helpful; (3) Study laws = nec., but before go → specific plan re what to learn, what to take away → require written stmt + report on return // specific points

\* Proposed addns: In China, trad of sep laws/sep probs = US syst; in continental law (Bob says = codified in Europe); need to exam 2 legal systs to see which wks;

Guo: Purpose of try → focus on structure of prod/diff leg./diff cties -

Sum: Agree re impt of method; in diff cties, have suitable meth/leg; long for meth of leg. drafting force, but also to learn successful exper elsewhere

Guo: Eg probs face now: how provide ag inv/exper/3rd w. + DCS = comparative re channels of info = limited re methodology = study of law re behavior; esp. re environment of law; if suitable divide matters - ag law structure.



July 5, 1991

## FOREIGN TRADE: Dept = 30 People

Wang Zhenqun - Deputy Director; Grp Leader: 6 membs = Li Shishi / BLA = adrd / sent substitute; 2 membs have other assignments; Dept of Treaty + Law, Min. of E. con Rels & Trd / ~~Min~~ admin = draft laws / int'l rels; jt venture, for. coop ventures, enterprises wholly owned, foreign contracts; & related regs; Reg. procedures: wkly grps / bills; hold confs of expts, lawyers, businessmen, etc = discuss their opinions; submit draft to Min / approval; then to St. C. → BLA review If = reg / admin or for implementation → Ok'd, pub'd / St. C. or Min; if = law, goes to NPC <sup>Standing Comm</sup> for approval in name of Prime Min. Negotiate Agreements w. for. cos - eg the prot'n of for. cos, partic. in int'l confs; exams. contracts / est. jt. ventures under Ch. law Int'l regs, laws, trng of personnel; advise cos / disputes re contracts, for. cos, etc but do not intervene; only advise, both Ch. & for. (incl. for. law firms) & sometimes obtain their assistance, eg re US laws, etc.

Personal Bkgd: Grad of Peking for Trd Inst (Now = Univ of Int'l Ec & Bus) = 5 yrs then → ed in min of for. Trd, Now MOFRAT; wk'd in Ch. embassies in 3 ctrs, 10 yrs US 5 yrs, Greece 2 yrs, Sweden 2 1/2 yrs, partic'd in govt delegs for trd esp w. Eur; visited many of them; joined MOFRAT, resp. for trd w. Eur, W. Amer, Austr, NZ; wk'd at Nordic desk w. Eur desk; joined Dept of Treaty + Law, 1983; most membs of Dept have partic'd in diff int'l confs, areas - eg. UN Comm / Int'l Trd Law, Hague Conf, etc.

Zhong Yu <sup>Shao</sup> ~~Shao~~: Grad Hancun U, France; grad law at Georgetown Law Sch, also at Col. U, Law Sch; std w. Ch. govt, 1972; before y't 1 yr / translating in S. Ch. ind factory; wk'd in Int'l Res. Inst, mach Bldg Inst, 1 yr in Rumania; wk'd on execution of procs in Chem ind / France, 1 yr; wk'd in World Bank Legal Dept, 2 yrs. (82-4); wk'd at St. Expt. Impt Comm → merged w. MOFRAT; 3 yrs wk'd on Laws & regs / for. inv; from 1987 to now = for. trd div's, partic. in drafting for. trd law, etc.; participate in confs. re int'l issues, incl. env'te centers;

Li Ling: Grad Guangzhou for. Lang Inst, wk'd in Inst of Int'l for. Rels = res. re ec & pols, soc issues, then went to Impt-Expt Comm; 1 yr legal trng in Int'l Ec. Center by Wld Bk, prof = from UCLA; 1/2 yr. trng in U. of Ill. law sch; 1/2 in law firm in NY; mainly = negot. w. other cos re bi-lateral agmts / 20 ctrs (1983-87), wkly in MOFRAT

Wang: Foreign Trade Law: Beforest, must analyze special subj. / probs law shd address:

Reasons for law: After 1979 / open policy, Ch. ind. govt prog / reg, incl. re for. ec. rels & trd; have laws / reg int'l inv, to protect intellectual property, eg Patent Law, Copy Rts, etc; in for. trd have admin rules, but no comprehensive law; many expts, bus in govt orgs, for. products, etc. think for. trd law = badly needed; wtz hard on this. Difficulties in preparation of law: ① Ch. ec = undergoing reform, & so is for. trd, chg

= some unclear probs for drafting; 10 yrs ago, for. trd = st. monop by 8 nat'l cos; eg Ch. Nat'l mach Impt-Expt, Chemicals Impt-Expt, etc. conducted all Ch for. trd; now = 5000 cos. = auth'd to do bus. abroad; system = chgng; law can only fix things that are clear so law → implemented when it is enacted; if drafter doesn't know direction of reform, can't mke gd law; if mke law that doesn't comply w. Ch. conds = bad. ② Conflict of int'l of diff orgs,

\* how define reasons? incl. diff govt orgs = nec to compromise = why → many args. ③ diff's of opinions, observations of expts = may not reflect conflict of mts but diff. of opinions; lawyers have fair's, = many mtgs, to find best way; takes time, many yrs: maritime Law → wk'd / 30 yrs; note diff's = from regions w/in China, to go; How to solve as drafters: ① Mke introty; go to diff pls → what = actual conds in China? What do people think?

note of research evidence? Who does this? Want? May involve local govt auths → hold mtgs, confs → listen; + have own ideas, in end must have own idea because can't get consensus

Who involve? ② When finish draft, send to diff orgs, Cos, mainly to all Cos. rel'd to law, eg / for. trd law → sent to all trdg cos, other minis, Govt agencies; for local cos, send to local competent govt org / Province who dis. w. orgs & cos may think appropriate; Naturally, send to larg nat'l for. cos, abt 30 nat'l trdg cos; not for. cos [tho collect opinions]; ③ Go abroad, study int'l practices = how for. cos solve probs - ie whether to take "gd" pts from laws; Zhang: Want to keep consistency bet'l laws & Ch's conditions; May com

Rule: Diff. criteria: Pay attn that law won't conflict w. int'l treaties, conventu

to which (h → member st; ② Maybe conflicts = special clauses: int'l law will prevail; ③ Since for. trd. law reg's both internal pt. of bus & for. pt. of bus, must consid int'l trd. practices & practices as nat'l law, can only make general provisions - can't be too detailed - eg for ec contract law = provision that in some cases int'l practice is applicable/contract, but others one not; haven't got rules for interpretation; ④ Provision cl = helpful to devel/promotion of trd w. other chies so base drafting on principle for equality & mutual benefit. If you have too much protectionism, not = good for for trd, but at same time for. chies have unfavorable reactions; some chies' or int'l conventions = previous to ensure its own interests - eg. many chies' law re anti-dumping, counter-vailing duties, etc; Ch. wld like similar provis. Pts. of conflict bet. Ch & eq US: Ch. has surplus trd w. US = diff stats, because re export thru HK; many mfg factories here, processing & assembling/expts, Ch. gains only 7-8% expt value; eg. investing in Fujian, impt. all pts. add little. Now mfg regs on certification of origination of prods - eg. val. added locally = 25% = min; many jt. ventures → hurt; - how negotiate settlement w. US, how w/ law; if make rigid law, hurt for investors → hurt trd; but too relaxed reg, Ch. only earns 7-8% of trd = difficult. Why on for trd law since 1983. Behavior seek to chg for firms come to take advantage of cheap lab; ② new US to solve - eg. some cos compete to sell at lower price in same mkt = reduced value to Ch; ③ in impt, in past = monop. of maj prods/st. - know mkt, negotiate w. producers - eg re steel; now = many impt's → negot. w. same for. cos = raise price; ④ domestic mkt, exptg cos. try to buy from many sources = comp. - ~~raise price~~ raise prices.

Zhang: another prob = imptg wrong things w. scarce for. exchg

Wang: But shouldn't contr. what impt, since opening door to new things. Ch. shouldn't only think abt basic techs; eg take Coca-Cola: some critics say why buy, but for. tourists like coke, Kentucky Fried = people like to try something new = better service, mgmt.

Li: Can't pass some laws now, even if agree, but situation is changing all the time;

Zhang: Want for trd law as soon as possible; want to use GATT 'grandfather' clause to mkgood use of for. exchg; → criticised by other chies; also to encourage expts, other chies criticize - chg counter-vailing tax; → how balance?? At Uruguay want to elim provis. cons. - but Ch = develg ch, want to protect, but can't because = poor - can't pay high patent rts

Li: International Arbitration Regulations. Since 1979, many for. cos come to inv, law/for. inv say if 2 ps dispute, can resolve disputes/int'l arb; now, more & more int'l arb, cos. submit disputes to int'l arb via contract; usually in Stockholm, Zurich C of C, but know little abt procedures; have signed 30 prot'n of agmt's w. other chies; Ch. govt may resolve disputes via arb. procedures/ad hoc as to where; now signed Wash DC conv. / bet. 1990/ not ratified by NPC, so not yet member, but consid. poss of sending disputes bet. for. inv. cos & Ch. govt to conv. - need more info re int'l arb. syst. under existing Ch. civil procedure law, enforce decision by arb; under int'l dispute/Wash DC conv., ~~many~~ contracting st. may decide what kinds of disputes/substance go to the arb - after Ch. → member → how implement in China. → how implement in Ch. Until now, only agreed disputes re amt/corps in bilateral agmt: if st. nation, give comp, but if disagree re amt dispute goes to int'l arb. so extent of submission till now = limited, now extend scope → more disputes most disputes, except those re pub int, sovereignty; Investig = consultation w professors, legal staffs/univ, for agt, people's cts; main prob isn't for for. investors, but for Ch = DEBATES People's Ct mkg judgment, then submit to int'l arb. → put int'l arb above nat'l jurisdiction if sign agmt, have agt; provis = direct/2DCs, so st. can resolve st. & judicial remedies, then submit abrd; ② Other opinions, after use dom. remedy = no appeal's or go to



Wang: Other disputes: Ch. successfully absorbed for. invs = 30,000 for. cos = \$15 bn.  
(contract val = \$30 bn); in some cases, disputes may arise → how settle dispute; ① by  
arb; under Ch. law, ps may settle in for. arb, but applicable law = Ch. law; for 3  
kinds of contract, must use Ch. law: joint venture, coop joint venture, natural resources;  
Rules re choice of law: ps may choose; if don't, Ct may decide; sellers v buyers law;  
disputes: Li's dept = resp for prot'n invs; need to know best way to dissolve dispute;  
what = int'l practice.

Li: Int'l inv. prefer intl arb; agreed to draft these regulations 2 yrs ago, what factors have  
but still haven't passed it.

Wang: In practice, = few cases go to arb, but there are a few - many Qs must ans. to agree on  
draft; shd → mbrs of convs. + what regs → est. major Q = 'nat'l remedy  
exhaustion'; 'definition of invs'; want to study for chies' exper → evidence to persuade  
op side

Zhang: 105 mbrs chies; have 2 diff opinions in Ch. re posit/exhaustion: cts object re sovereign

Wang: Can get research insts to present their views = only 1 side of story; wld like to  
know; Qs re rels arbitrator, tribunal, courts; enforcement; advantages + disadvantages  
of alt. forms of arb. Have consulted 40 profs, res. insts; now want int'l  
practice;

Tell a story: in course of deliber. draft civil litig. law/DEC, 1 sect. concerns for. litig →  
several articles = hot debate; esp. bet. cts + Ch. Council for Promotion of Int'l Trd.  
= 2 tribunals, 1 for for. ec trd dispute, 1 = maritime. law provided under some  
circs, ct. shd refuse to enforce award, then ps can go to new arb, or go directly  
to ct. both sides must present reasons, incl. int'l practice, but no agmt re  
int'l practice.

Wang: International Investment Law: 2 pts + 1 goal: 2 pts: ① want to know  
laws, regs of LDCs that succeed in absorbing for. invs - Ch. has laws, but don't  
know much re others' laws + regs - know some - eg Korea, AICS, etc =  
successful; ② want to know how they resolve practical probs - what is the  
sit. of for. inv in their chies, re their exper from which can learn.  
Goals so can impr. Ch's laws, regs, ways of creating better environment/for. inv.  
3 ideas: Now = 3 diff laws/diff forms of inv: joint venture; coop law; ents = for. invs  
shd these → merged? have combined tax laws = 1 law; shd Ch. now com-  
bine for. inv. laws?

Zhang: Re study tours: preparation = important; eg have Qs clearly in mind - eg re  
transfer pricing; how to check; shd Ch. allow firms to borrow \$ in Ch?  
now = law forbids govt. to for. \$.

Wang: Language = prob; most ees of MOFAT know at least 1 for. lang; a few  
may have diff, so send interpreter along, but = better = better w. dir dialogue; Qs,  
disc at coffee time, dinner, etc; for time being, not everyone can speak  
for. lang.

Re drafting prog for For. Inv. Law: 1<sup>st</sup> 2 yrs = for. trd. law, 2<sup>nd</sup> yr = for. arb,  
3<sup>rd</sup> yr = For. inv law; Already have groups in place for each, can  
get prot'n law out soon -

Li: Another for. inv. prog =

Wang: Diff groups have diff jobs, wife = difficult; eg drafters of for. trd. law = diff from  
for. trd. law - so think plan to sep them; first yr = only for. trd. law, re-  
involving EEC exper, have temp prog, etc; for others, eg arb. law, have no  
draft bills re int'l inv shd must study poss. of procs; also does int'l inv.  
in Ch.

Dept = 5 divs: ① int'l agmts = under Li, wks on arb; ② int'l inv divs = under Zhang

③ for. trd. divs = under Zhang - can't all 3 attend at once; conc. on sep laws/sep  
yr

Zhang: Study of personnel, call on experts from other depts: = better to focus on alt.

Wang: For for. trd. law, eg. do investig in EEC, etc listen to experts/1<sup>st</sup> yr; → study unipics,  
invite experts -

Re 30 yrs/Maritime Law: Init = tried to learn from USSR, the Cult. Rev → stopped, then

Reforms = std over again; etc.

Re methodology = PLA's problem;

In Ch, as drafters, must hold confs, listen to opinions, submit to mins for approval, goes  
to St. Council → delayed, can only work on 4-5 bills, → delayed, listen to  
diff views; then NPC. = advantages: drafters = exper'd people, know scope of their frs, since do  
daily wks; disadvantages: some know more re 1 dept, not others. need St. Co. to  
provide approval; so chg'd meth. procedure - outside drafters' capability, only want  
comments on law, how appr. -

Zhang: Re delay = linear way; hope in methodology sessions → substance, prog.  
eg re int'l arb. = bkgd; already have some info re all 3 areas - need int'l  
exper.

July 6, 1991

## Natural Resources & Environment Group

**Huan Hua Yang** (26 yrs) Guonan U grad, Law Schol, 1985; → BIA, regg/ 1987 = co-author'd 6 lcs; from smll vill. in Hunan

**Kuan Wan Leon**: 1980, Wuxi City; grad. Chongchun Inst, Geology, 1975; whd in Hanzhou City for 3 yrs/geological surveys; 1978 came to Min of Geol. Min resource → plng, taken pol. + reg; 1982-85 sta. Ec. reg in Peoples' U; 1986 → lawyer, whd in Beijing Law Firm /for. ec. affairs; four coll. /mins. wrote 3 bks, in coop w. others; + 20-30 articles;

**Li Xin**: (F) Tianjin City, 1946; grad Inst of Pol. Sci & Law, NW China, 1968; 1968-76 - whd in inform, factory, army; 1978, taught in U.; 1980 to now → BIA; wrote 10 articles;

**Cao Shupei**: Born Tizhou City, 1937; 1966, grad Beida Inst./mineral Explor; after grad, whd in geol. expl./m 1977-1982 - whd in geol. team as dir.; went to Min of Geol, min Res., 1982; 1982-1990 - whd in Bur of Res. N = Dep. Dir, → dept of Pol. + Leg. re min. resources; 1982 - partic. in res. admin'l resources; → practice/1986 other leg. also; engaged in res/minil resources of Ch = 12r.

**Zhu Ziluan**: Chongsha City, 1929; grad Chengchung, Mining (coal); grad '53; whd in Min of Geol → Chd/86 frame; = admin tech mgmt, 6 yrs; went to res. wk, mgmt egypt/25 yrs; → dep. dir of Inst/6 yrs; 1986 → Min again, Dept of Pol. + Leg. → Research/Law + Policy making; 80 papers; attended intl confs, 5 Eng. papers; long law on job = imp't to Ch's reform, open pol. → promote dual

**Gao Xianhu**: Yansu City, Transu Prov, 1957; whd on farm after middle schol, Beida U Law, 1982 grad → as grad/leg. res/st. counsel → merged → BIA, now = Dep. Dir of BIA

**Xu Yu Ling** born Xixi City, 1942; Beida forestry ec dept, 1964; st'd Ch Peoples' U/Law; st'd P. schol of Cent. Comm./Polit. Econ; mgmt of nat'l ec. br. ec.; also sociology & computer whd in NE Ch 15 yrs; in chrg of exam/ing tm plng, design/forestry; whd in St Rng Comm, 1985; = engr., Dep Dir of Dept, Dep. Dir of Dept; in chrg of editing 1000m qm plng + 8 qm prog; + big + middle sized const; 1984, came to BIA, now = dep. gen. of BIA; exam environ. prot'n law of Ch, law on prevention & contr. of pollution, prot. wild life, water & soil conserv., & other regg; must laws → promulgated by NPC, st. council; parti in writing 2 bks, incl. phos. of Ch chryside, other th + pract of Ch. Soc. leg + 20 articles

### 5 bills:

**Xu**: Ch. govt empha st. w. facts, don't want copy for. leg; Wang est'd pop/environment + natural resour.

**Prob** = common wild prob, face Ch people, govt; Ch = log, abundant natural resources, per cap resources = low; land per cap = 36% of wild ave; per cap for = 13% of wild ave; per cap water = 1/4 wild ave; each yr inv. pop by 10 m; w. ind'iz, urban const → use up natural res & pollution; some ents = only conc'd v. ec benefits, negated pollution; also Ch = LDC, facts = limit/chg pollution, impr. environment; in Ch, w. long pop, shif of \$, brand tech = imp't to strength environmt mgmt; pays spec. attn to natural res + environment; trying road to strengthen mgmt; want to avoid v. rd of pollution first, then control; aha w. ind'iz → attn to avoid pollution; mgmt of natural resources, spec'l attn to RATIONAL USE, esp. natural resources → BIA

bet growth + cons, ensure reserves → long term use - since '79, draft leg: Const/1978 = provis./environ. prot'n; 1982 Const → dual'd = basis for leg/nat'l res, environ; after 10 yrs = frame for leg; enacted law/prot'n of environ, in accel w. obj. of pollution = laws: prevent air pollution, water pollution, ags/ waste, etc; in law on control of solid wastes, nuclear pollution; standards/pollution & quality; for far as mgmt nat'l res = 8 laws: forestry, grassland, fisheries, water, water + soil conserv, wild life prot'n; Est. insts to protect nat'l res. **PROBLEMS**: ① legal syst of nat'l res. not perfect; eg haven't enacted law/ social waste, nuclear pollution; want to enact leg/nature preserves; tho protect wild life, not wild plts; ② need regs, rules to implement laws; just beginning; after promulgation of laws, must → rules, regs/implem; in this connection, have std: eg prot'n of marine environ; after NPC std comm passed law → 5 regs = re: dumping, expl. petrol/sea prevent pollution/ships; contr. pollution by sea beach const; land some pollution; yet several laws need detailed rules, regs; eg. water law provided principle/mgmt of grd water/cities = diff to do in practice; Dept draft regs/grd water, but they haven't been issued due to tech probs; in mgmt of min'l res, law exists, but detailed regs/implem not enacted; Now drafting regs/prot'n mining & exploration by for. inv & part of UNDP prog. ③ probs of coord among laws & regs: eg. some of issuing laws & Dept drafting laws = not same = some overlapping, contrads; eg enacted 8 laws to protect nat'l res; some people suggest shd enact unified comprehensive law/nat'l res. res'd: ang = res/ prog, but consid diff to conduct res/regs. cancelled We did want to incl prog in grp, but 2 officials said everything shd'n't be done in 5 yrs.

**Because** there are several comms. under st. Council = gd idea to enact them separately, but contrads exist among regs. some suggest unified law/prot'n Xu: 2 tasks: ① enact unified comprehensive law; ② enact several laws/diff. resources → consid if need to combine; each appr. has advants/disadvants; 1985, passed law/environ prot shd'l implem, passed sev. laws add to it; 11 yrs later → amend re leg/nat'l res. prot'n several laws, then consid if need unified leg; cancelled prog/UNDP, must research practice;

**Now Prog of Grp + Divisions**: in 5 yrs, 5 drafts: ① regs/nature preserves - Hu Baolin = in chrg; all depts will partic; ② regs/grd water resources; Ye Xin = in chrg. incl. sev. depts.





4000 ha. of land destroyed; 10 bn. of wasted rocks, soil etc; arable land destroyed  
by land mng = 10,000 ha/yr; underground mng = subsidence of land; emission of CO<sub>2</sub> ashes =  
terrible = 2 units: ① Environ poll/mng = direct, indir = emission = serious; = 1 of biggest mng  
chies/wld, last yr = 1.08 bn tons/coal; 198 m tons/iron ore; 138 m t/crude oil = leading in  
wld coal prod; over 80,000 lrg, med sized mng ents; over 2,3,000 min. coll, indiv. mns =  
diff styles; Sml scale = very serious pollution: much evidence; ② Don't know envf reality of

Sit - eg Sml. scale mns = no details; didn't investg everyone. ③ 1: investg. impact, esp sml  
1984 - wkshp/sml coal mns = low tech, mngmt = probs ④ environ. stress/air, water poll - but  
none/mines; ⑤ mngmt = 3 magnits. Coll, St, indiv = diff mts; most = to earn much money, but then  
eg rts, oblige? destroyed some min res, est 1/2 coal prod = indiv + coll mns. must encourage  
but also protect resources/reg. behavior; can't afford to stop them, so how reg?

Syst → carried out after reform = adus + probs = caused by tech + other aspects of mngmt  
need regs to guide → how put regs into practice/diff onrs of ownership/30,000 mins;  
in Ch. environment regs prot'n + dwell = sht tm profit vs. longtm local, nat'l needs; may use

5. ~~Information re exploration re mng~~ / for. inv. esp/mns = few; eg. Open cast  
Co/US; within inds = 32,000 for. invs/Ch; diff kinds: data: total prop'd inv = \$40 b.,  
abt \$30 bn = used, expts = \$7.8 bn; mnts in Ch = \$10 bn (?) - re attract for inv. but  
not in mng. Spec. probs/mng: ① Const = long time to complete (3-8 yrs) + needs  
heavy inv. can't get profit/sht mnt. to attract for. inv, must give spec'l  
provisions ② 3 probs: shys of funds; eg coal mng, needs \$5 bn, \$1 bn/yr 5 yr plan →  
more/8<sup>th</sup> 5 yr plan. must mk regs. = new prob/ch. eg still = 4 diff: ① No laws/  
compensation, taxes. ②: what = fees, tax exper? ③ Common it'll custom/mng  
③ spec'l preference/for. inv? diff. from other inds ④ Hts + oblige both sides = not  
copy, but lrn from exper, eg Indonesia/contract syst.

### RE PROPOSAL

Zhu: Int'd in prep, = imp't because to speed up leg. need guidance/principles/procedure:  
generally, to form reg + law not easy; have own exper/Zhu: simplify procedures/in 3 wkts  
whereas, hours. ① What purpose/problem/difficult? ② subje, obs → reg'd? ③ cond.  
+ soc. probs in hist, present + near future; ④ 3 where: a) where get info, cond, stats, reg?  
b) where get exper/ch, abrd to speed up process. c) where get  
tech, admin, fin'l supt/project? ⑤ How: a) via trng courses - what kind, etc? b) analyz  
info? c) How org draft of regs? seek opinions, revise, check → put into practice.  
Monitor it/social impact.

analyst: Detailed proj's/future = lrg, rel b to many mins. don't know if overlaps other UNDP proj's

Int'd in trng prog; in BU - certain

Q + Zhu: Think proposal = gd idea; agree used trng course, not only / 20 regs + laws, but  
trng → for other laws in future: EDUCATION ② interesting way to invite experts, esp  
in prof. Ch. ③ suggest visit other chs, both lds + dcs // sim. probs →  
experts + lecturing

Xu: Genly agree w. proposal, think wk/20 laws = gd + trng; think better for cadres →  
trnd professionally, not too gen'l; same time, trainees → well selected: those who  
= gd, trnd, 4-7 yrs college, specifically deal w. econ, gd in lang (Eng); don't  
used to fix regs for same per. of trng before send; stnds/trainees to go abrd =  
gen'l princ. of wk; also need to lrg experts = intl seminars, may need  
expts for some, not for all; better to send more cr st. tours/for chns; int'd in  
sucs/computerization in BLA/DLAs, some yng cadres can use computers;  
software = welcomed by China from UNDP, but major prob = hardware; recently  
St. C. recy imp't/computers/insts, but = diff to get;

Liu: Agree w. Mr. Xu; Proj/20 bills = useful; given time + budget lmts, hope can reach  
aims via UNDP; + do better job/natur ver/ch = laws/cond in ch; cannot copy, must rel  
to reality/ch; but lrn from exper. abrd, lessons → save time

? : ⑥: Drafts/For Inv. fms: Biggest diff = lack exper. knowledge (intl ec - ftd/mng, acc'd to  
her knowledge, elsewhere in Ch need that info; need supt/UNDP

Lawang: Partic in prog = much exper. a. three sent / trng, they know better; main thing = future of  
law mng/ch. comes. shd relate to ch. cond; technique of drafting leg → lrg trng, long  
wants to lrn substantive law/for chns, not gen'l trng/leg th. use means → sped up  
ch. leg.

: Agree/Xu; experts = welcome, but must be careful which ones; wkly on drafting, regs many yrs,  
but saying "Seeing is believing"

: Be sure in BU, staff get op to lrn re experts, far beyond Boston.